

AT THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF MISSISSIPPI

Tracy Miller Arnold

vs.

CITY OF GUNTOWN, Andrew Stuart in
his Individual and Official Capacities

Cause # 1:25-CV-24-GHD-DAS

RECEIVED

MAY 30 2025

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

PLAINTIFF'S OPPOSED MOTION TO STRIKE AFFIRMATIVE
DEFENSES

1. INTRODUCTION

1 1.1. COMES NOW the Plaintiff, Tracy Miller Arnold, proceeding pro se, and hereby
2 moves this Honorable Court pursuant to Federal Rule of Civil Procedure 12(f) to
3 strike all twenty (20) of Defendants' affirmative defenses.

4 1.2. The grounds for this request are that Defendants' affirmative defenses are insufficient
5 defense or any redundant, immaterial, impertinent, or scandalous matter.

6 1.1. Defendants' counsel has been contacted regarding this motion and has indicated that
7 Defendants oppose this Motion to Strike Affirmative Defenses.

1. CONCLUSION

8 WHEREFORE, Plaintiff respectfully requests that this Court grant Plaintiff's Motion to
9 Strike Affirmative Defenses as follows;

10 Strike the following affirmative defenses **WITHOUT PREJUDICE**:
11 Defendants' First Aff. Def. (Failure to State a Claim), without prejudice to Defendants'
12 right to raise this issue through proper procedural vehicles under Rule 12; Defendants' Sec-
13 ond Aff. Def. (Statute of Limitations); Defendants' Third Aff. Def. (Standing); Defendants'

1 Fifth Aff. Def. (No Municipal Liability); Defendants' Sixth Aff. Def. (Punitive Damages
2 Prohibition); Defendants' Eighteenth Aff. Def. (Special Damages); and Defendants' Nine-
3 teenth Aff. Def. (Damage Caps)

4 Strike the following affirmative defenses WITH PREJUDICE:

5 Defendants' Seventh Aff. Def. (Mississippi Tort Claims Act); Defendants' Eighth Aff.
6 Def. (Estoppel and Res Judicata); Defendants' Ninth Aff. Def. (Good Faith/Honest Belief);
7 Defendants' Tenth Aff. Def. (Comparative Fault); Defendants' Eleventh Aff. Def. (Failure
8 to Exhaust Administrative Remedies); Defendants' Twelfth Aff. Def. (Failure to Mitigate);
9 Defendants' Thirteenth Aff. Def. (Adequate State Remedy); Defendants' Fourteenth Aff.
10 Def. (Reservation of FRCP 8(c) Defenses); Defendants' Fifteenth Aff. Def. (Unclean Hands);
11 Defendants' Sixteenth Aff. Def. (After-Acquired Evidence); Defendants' Seventeenth Aff.
12 Def. (Heck v. Humphrey); and Defendants' Twentieth Aff. Def. (Attorney's Fees)

13 Strike Defendants' Fourth Aff. Def. (Qualified Immunity, Sovereign Immunity, Legisla-
14 tive Immunity, and/or Absolute Immunity) as to the City of Guntown only, and without
15 prejudice as to Defendant Stuart; and

16 Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 22 day of May, 2025.



Tracy Miller Arnold
423-529-4335
PO Box 864
Savannah, Tennessee 38372
tracy.knightswife@gmail.com